

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,800	10/27/2000	Kenneth Snowdon	476-1951	5134
	7590 08/13/2004		EXAMINER	
	ARALINO (GENERAI	HOFFMANN, JOHN M		
RENNER, OTTO, BOISELLE & SKLAR, LLP 1621 EUCLID AVENUE, NINETEENTH FLOOR CLEVELAND, OH 44115-2191			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b)] a)		Application No.	Applicant(s)				
Examiner Art Unit 1731 -The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 03 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either (1) a timely filed amendment which places happlication in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b]	Advisory Action	09/698,800	SNOWDON ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 3 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance. (2) a timely filed Notice of Appeal (with appeal feet), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) a) □ The period for reply expires on: (1) the mailing date of the final rejection. b) □ The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TVO MONITHS OTHE FINAL REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension and the corresponding ensure of the fee. The application is desirable to the complex of the fee. The application of the fee. The application is desirable to the complex of the fee. The application and the corresponding ensure of the fee. The application and the corresponding ensure to the fee. The application are ceremed patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. ☐ The proposed amendment(s) will not be entered because: (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal; and/or (c) ☐ they proposed or amended claim(s)	•	Examiner	Art Unit				
THE REPLY FILED 03 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.1136 may grilly be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b)] a) The period for reply expiresmonths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expires or (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expires or (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expires or (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expires or (3) TeR 1.136(a) and the period of the final rejection of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period set from the mailing date of the final rejection, even if timely filed, may reduce a careful pattent term adjustment. Sea 7 CFR 1.704(b). 1 A Notice of Appeal was filed		John Hoffmann	1731				
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.1136 (a) month of the maling date of the final rejection (RCE) in compliance with 37 CFR 1.1136 (a) Term of the maling date of the final rejection (PCE) in compliance with 37 CFR 1.114 (c) the maling date of the final rejection (PCE) in the proof for reply expiresmonths from the maling date of this Addisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expires or (1) the malling date of this Addisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expire later than SIX MONTHS from the malling date of this Addisory Action, or (2) the date set forth in the final rejection, whichever is later. In mevent, however, will the statutory period for reply expire later than SIX MONTHS from the malling date of the final rejection, whichever is later. In mevent, however, will the statutory period for reply expire later than SIX MONTHS from the malling date of the final rejection, whichever is later. In mevent, however, will the statutory benefit of reply expired to the final rejection of the mall be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension from 37 CFR 1.136(a) is calculated from; (1) the expiration date of the shorted statutory portion for reply expired actions, or (2) as extension from 37 CFR 1.136(a) is calculated from; (1) the expiration date of the control of reply expirate sections, even if timely filed, may reduce a search patter than adjustment. Sea 7 CFR 1.704(b) 1	The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expiresmonths from the mailing date of the final rejection, whichever is later. In mevent, however, with however, with the statutory period for reply expires is later than StX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the appropriate extension fee to 13 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce at earned patent term adjustment. See 37 CFR 1.704(b) A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise new issues that would require further consideration and/or search (see NOTE below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendmen	Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued						
b)	PERIOD FOR REPLY [check either a) or b)]						
earned patent term adjustment. See 37 CFR 1.704(b). 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendme canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) withdrawn from consideration:	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under						
 2.	(b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)						
(a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendme canceling the non-allowable claim(s). 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1.5 and 7-9. Claim(s) withdrawn from consideration:	37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
 (b) ☐ they raise the issue of new matter (see Note below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3.☐ Applicant's reply has overcome the following rejection(s): 4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) withdrawn from consideration: 							
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3.☐ Applicant's reply has overcome the following rejection(s): 4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendme canceling the non-allowable claim(s). 5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) withdrawn from consideration:							
issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1.5 and 7-9. Claim(s) withdrawn from consideration:							
NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendme canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:							
 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration: 	(d) they present additional claims without canceling a corresponding number of finally rejected claims.						
 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) withdrawn from consideration: 	NOTE: <u>See Continuation Sheet</u> .						
canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1.5 and 7-9. Claim(s) withdrawn from consideration:	· · · · · · · · · · · · · · · · · · ·						
application in condition for allowance because: 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:	// // // // // // // // // // // // // // // // // _						
raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:	5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:						
explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:							
Claim(s) allowed: 35 and 36. Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:	7.⊠ For purposes of Appeal, the proposed amendment(s) a)⊠ will not be entered or b)□ will be entered and an						
Claim(s) objected to: Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:							
Claim(s) rejected: 1,5 and 7-9. Claim(s) withdrawn from consideration:	Claim(s) allowed: 35 and 36.						
Claim(s) withdrawn from consideration:	Claim(s) objected to:						
	Claim(s) rejected: 1,5 and 7-9.						
8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. ///							
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). 10. Other: John Moffmann Primary Examiner Art Unit: 1631		nt(s)(PTO-1449) Paper No(s).	Prima/y Ex/miner				

Continuation Sheet (PTOL-303) 09/698,800

Application No.

Continuation of 2. NOTE: There are changes to the claims without appropriate underlining/bracketing - the new issues is what all the changes are and whether they define over the prior art. .